IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 5998 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. R.V. More for Petitioner.

Mr. Umesh Mankapure for Respondent No. 1.
Ms. Ratna Jaiswal i/by Nandu Pawar for
Respondent Nos. 3 and 4.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 20, 2005

P.C.

. The Petitioner is defendant No. 2 in the suit. The Respondent No. 1 is the original Plaintiff and Respondent nos . 2 to 5 are the original Defendants. Respondent No. 1 is claiming tenancy rights against Respondent No.. 2. The case of the Petitioner is that he has purchased part of the property from Respondent Nos 2 to 5 and Respondent No. 1 cannot claim tenancy against him as he is owner of the property.

. The Petitioner sought counter claim nearly 15 years after filing of the written statement. That has been rejected. In my

opinion, no case for interference. As it is always open to the petitioner who is owner to establish in the course of evidence that he has rightful title to the property and as such the claim of Respondent No. 1 or relief cannot be granted. Considering that issue can be decided in the very suit itself, no interference is called with the impugned order. Petition rejected.

(F.I. REBELLO,J.)